then 5; and—ultimate folly—agreeing that Russians could man the monitoring stations in their own territory. "It's as ridiculous as trusting gangsters to police themselves," said DODD.

The Geneva Treaty became a dead issue. DODD, supported by 33 other Senators, then renewed his 1960 proposal for a limited, atmospheric test ban, violations of which can be readily detected. Within 3 months the Treaty of Moscow was signed, and the Senate ratified it—after the administration promised vigorous underground testing to maintain the U.S. deterrent.

THANKLESS TASK

To be vice chairman of the Senate Internal Security Subcommittee, investigating Communist subversion, is a stormy and thankless task. But, in 1959, Senate majority leader Lyndon Johnson persuaded DODD to take the post out of duty, as a liberal whose record as a civil-rights advocate would reassure those fearful of new excesses. His performance in the job has been one of scrupulous fairness. Says Senator PAUL DOUGLAS, dean of the Senate liberals, "Although TOM DODD is a vigorous anti-Communist, I know personally that he has many times stood up for those unfairly accused by the far right."

In May 1960 the New York chapter of the Committee for a Sane Nuclear Policy (SANE) called a gigantic rally at Madison Square Garden. Scheduled to speak were Mrs. Eleanor Roosevelt, Michigan Gov. G. Mennen Williams, labor leader Walter Reuther and former GOP presidential candidate Alf Landon. Then, 48 hours before the meeting, DODD verified information that SANE's New York chapter had been heavily infiltrated by Communists, who planned to use it to support Soviet diplomatic pressure on the United States. The chief planner and organizer of the rally, Henry Abrams, was a veteran member of the Communist Party.

DODD telephoned SANE's national chairman, Norman Cousins, editor of the Saturday Review, and laid the evidence before him. Cousins flew to Washington and asked DODD not to release the material so short a time before the meeting. "Many prominent, innocent people will be present who could be damaged by the headlines," he said. DODD agreed, saying, "I certainly don't want to hurt anybody through guilt by association."

The rally went off as scheduled. Later, DODD publicly revealed the Communist role, ordered a closed hearing and called in 27 witnesses from SANE's Greater New York chapter. When 22 of them, including 9 local chairmen, took the fifth amendment on questions of Communist Party membership, SANE expelled them. It revoked the charter of the New York chapter and built a new one excluding Communists.

"TOM DODD could have seriously damaged SANE and made political capital out of the investigation," says Norman Cousins. "Instead he confined himself to a few specific cases and maintained absolute respect for the rights of the individuals concerned."

CUBAN HANGOVER

How, in the critical year before Castro came to power, did U.S. policy in Cuba miscarry so disastrously? Investigating, DODD discovered that as early as 1955 the FBI was sending reports to the State Department describing ominous Communist involvements in Castro's background and organization. The tempo of such reports increased during 1957 and 1958. Why, then, did Washington actually encourage Castro's takeover?

For 2 years the subcommittee took testimony, heard half a dozen ambassadors, doublechecked the State Department's own massive inquiry. A vast amount of evidence came to focus on one official, who had systematically summarized the intelligence reports to say there was no conclusive evidence that Castro was Communist—a true statement by itself, yet a distinct misrepresentation of the intelligence flowing in. Called before the subcommittee to explain, the official's own testimony was damningly vague, contradictory, evasive. After long questioning, the subcommittee had to conclude that he had lied and dodged under oath. Why? "The disturbing truth is we don't know," says DODD, "and the State Department has taken no meaningful action to find out."

The upshot? While the officer in question got a pay raise, the State Department fired its chief of security evaluations, Otto F. Otepka—the man who made the first exhaustive investigation of the officer's performance and recommended action against him. First, State squelched Otepka's 844-page report, then last September sought to fire him for cooperating with Senator DODD and the subcommittee. To prove this cooperation, trash bags in Otepka's office were secretly rummaged, torn papers were pieced together, his files searched, his typewriter ribbons and carbons "read"—even though Federal law guarantees the right of any civil service employee to furnish information to "either House of Congress."

On November 5, 1963, State announced that it was firing Otepka as guilty of "conduct unbecoming an officer of the Department of State." That afternoon DODD stormed on the Senate floor: "No one suspected of espionage or disloyalty has been subjected to such surveillance and humiliation. In the topsy-turvy attitude it has displayed, the State Department has been chasing the policeman instead of the culprit." [1]

DODD thinks that the effort to "get" Otepka comes from intermediate State Department bureaucrats who are still smarting under the resentments generated by Senator McCarthy's wholesale charges against the Department in the early 1950's. DODD does not charge that the State Department is full of Communists. He does say, "We would be fools to think that attempts at infiltration ended with Alger Hiss and Harry Dexter White. That is why we need hard-nosed professional security men like Otepka, and congressional investigating committees."

In pursuing his forthright course, TOM DODD has received his share of brickbats, slurs and even threats on his life. Despite all efforts to sidetrack him, he moves straight ahead, guided by principle, and by the overriding conviction that the most fateful issue today is whether the frontiers of freedom or of Communist tyranny will advance.

"Freedom must move forward," says DODD. "The struggle can be won only by a mighty national effort, which our ideals now call upon us to make—an effort to defend freedom where it exists in the world, and to extend it where it does not."

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

REAPPORTIONMENT OF STATE LEGISLATURES

Mr. PROXMIRE. Mr. President, the present reapportionment fight has been put into some perspective by the distinguished senior Senator from Pennsylvania [Mr. CLARK], who has an extraordinary sense of history, a brilliant academic background, and a lively curiosity about the relationship between current events and historical events. He discussed the present controversy as similar to the fight in England over the rotten boroughs. Some persons have challenged this statement and said it was intemperate, or have indicated that it was not appropriate.

Recently, a distinguished historian has written very ably on the reapportionment dispute of some 180 years ago in England, in 1783. I should like to quote from excerpts from his book as they were printed in the Washington Post this morning: The introduction to the excerpt reads:

The current conflict over reapportionment recalls a dispute 181 years ago. Here is an excerpt on the issue then from a nearly completed book by Irving Brant on the "Origin and Meaning of the Bill of Rights."

I now read quotations from the book by Irving Brant:

In September 1783, the dean of St. Asaph, William Davies Shipley, was brought to trial at Wrexham, England, for seditious libel, with Erskine as defense counsel. The prosecution was a spite affair, pushed by a Tory sheriff who filed charges against the dean for reprinting "The Principles of Government," in a dialog between a gentleman and a farmer.

The dialog was obviously seditious, by the standards of that day, being an argument for apportionment of the House of Commons according to population. To publish a paper for such a purpose was highly criminal—indeed, 12 years later it was made high treason, punishable by death, to attempt by published writings to bring about reapportionment.

To an American at the time of Dean Shipley's trial, it was unthinkable.

When I say "Dean Shipley's trial," these were Americans at the time of our Revolution—our own Founding Fathers.

Congress and State legislatures afterwards made that a dead letter by failure to enforce it. The legislative department of government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963.

What I am calling attention to is the fact that Mr. Irving Brant, a distinguished historian, perhaps the greatest biographer of James Madison, has described a malapportionment of American legislatures in 1963 and 1964 as a rotten borough system. Let me repeat that last short sentence by Mr. Brant:

The legislative department of government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963.

For the distinctive feature of the "rotten borough" system is that the longer it goes without correction, the worse it becomes, and the worse it becomes, the harder it is to correct it through the ordinary channels of legislation. That is because the beneficiaries of unfair apportionment are both the officeholders favored by it and the favored constituents who elect them. As the system worsens, the beneficiaries have increasing power to retain it and a greater interest in doing so. Reform came to England 49 years after the trial of the Dean of St. Asaph, when Parliament yielded to the imminent threat of armed revolution. Reform came to the United States through the untrammeled action of an independent judiciary, upholding a Constitution enacted by the people.

[1] At this writing, Otepka's dismissal is still on appeal to Secretary of State Dean Rusk.

I think we must recognize this historical experience to appreciate fully what is at stake in the Dirksen amendment. It is extraordinarily hard to get legislative apportionment and give every American citizen the kind of equal opportunity to vote for his State legislature, which our Founding Fathers conceived for the State legislature, and which the Supreme Court said is clearly implicit in the 14th amendment. It is extraordinarily hard. It is historically hard, and it may take an armed revolution to achieve it. Now, of course, we have the Supreme Court determining that in its judgment every citizen regardless of where he lives, should have an equal opportunity and an equal vote in the State legislature.

That is the option—armed revolution or action by the Supreme Court. If Congress, by the Tuck bill or by the Dirksen amendment should stall, prevent, stop, this opportunity for our people to have an equal vote, no recourse would be left except revolution—which, of course, in this kind of situation may be unthinkable. The historical analogy is clear. It is not one which the Senator from Pennsylvania pulled arbitrarily out of the hat.

I ask unanimous consent to have this article, published in this morning's Washington Post, entitled "Reapportionment Issue Was Grave One in 1783," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAPPORTIONMENT ISSUE WAS GRAVE ONE IN 1783

(The current conflict over reapportionment recalls a dispute 181 years ago. Here is an excerpt on the issue then from a nearly completed book by Irving Brant on the "Origin and Meaning of the Bill of Rights.")

In September 1783, the dean of St. Asaph, William Davies Shipley, was brought to trial at Wrexham, England, for seditious libel, with Erskine as defense counsel. The prosecution was a spite affair, pushed by a Troy sheriff who filed charges against the dean for reprinting "The Principles of Government, in a Dialogue Between a Gentleman and a Farmer." The "Dialogue" was obviously seditious, by the standards of that day, being an argument for apportionment of the House of Commons according to population. To publish a paper for such a purpose was highly criminal, indeed, 12 years later it was made high treason, punishable by death, to attempt by published writings to bring about reapportionment.

(A verdict in which the jury found Shipley "guilty of publishing, but whether a libel or not the jury do not find" was construed by the judges as a general verdict of guilty as charged. Erskine then secured a stay of judgment and dismissal of the case because of a defective indictment.) Howells "State Trials," November 21, page 837.

While the atrocious prosecution of the dean of St. Asaph focused British reform activities on the perversion of the jury system, it also stirred public indignation against a political practice that made Parliament the object of criticism.

Englishmen found themselves in the shadow of prison for repeating, with application to current times, the political sentiments that were part of the nation's glorious history. They turned for relief to emancipation of the jury system from crown control, thus in effect relying on themselves for mutual protection against their own Government. American citizens beheld this as an appalling but distant phenomenon, which for them required measures of prevention, not of relief. And as the imbecility of the confederation forced them to reluctant creation of a new and far stronger National Government, their thoughts were on the definition of rights and the restraint of governmental power to interfere with them, not on laws and judicial rules to regulate an authorized restraint of political liberty.

To an American at the time of Dean Shipley's trial, it was unthinkable that publication of a dialogue against the rotten borough system should be construable into a crime, warranting a prison sentence. Such a principle would have put almost every adult American citizen in jeopardy. The framers of the Constitution of 1787 sought to guard against that road to oligarchy and avenue of corruption by requiring that Members of the House of Representatives be apportioned according to population. Four years later, the republican form of government was further strengthened by the first amendment, with its mandate that "Congress shall make no law * * * abridging the freedom of speech, or of the press."

It cannot be said that imprisonment for criticizing malapportionment was made impossible in the United States by the constitutional requirement of equal representation. Congress and State legislatures afterward made that a dead letter by failure to enforce it. The legislative department of Government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963. Had the evil been allowed to progress, while freedom of speech and press were subject to abridgment by the "balancing test," public endeavors to equalize representation could have become a crime, as they were in England.

For the distinctive feature of the "rotten borough" system is that the longer it goes without correction, the worse it becomes, and the worse it becomes. the harder it is to correct it through the ordinary channels of legislation. That is because the beneficiaries of unfair apportionment are both the officeholders favored by it and the favored constituents who elect them. As the system worsens, the beneficiaries have increasing power to retain it and a greater interest in doing so. Reform came to England 49 years after the trial of the dean of St. Asaph, when Parliament yielded to the imminent threat of armed revolution. Reform came to the United States through the untrammeled action of an independent judiciary, upholding a Constitution enacted by the people.

Mr. PROXMIRE. Mr. President, I have some additional remarks, but I understand that the distinguished Senator from New York [Mr. KEATING] has some material he wishes to have printed in the RECORD, and I ask unanimous consent that I may yield to him at this moment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISUSE OF AMERICAN FOREIGN AID

Mr. KEATING. Mr. President, while American citizens at home are being told with increasing emphasis that they must obey the law whether they agree with it or not, the U.S. Government itself is deliberately violating provisions of law which should govern its own activities in certain fields.

Mr. President, there is no doubt whatsoever that Foreign Assistance Act, section 506(d) and section 621(i), provides that American assistance, military or economic, should not be furnished to countries which use it for purposes in violation of the meaning of the act or for use in aggressive military actions against other nations.

Yet, Mr. President, when I inquired of the Secretary of State why military assistance to Turkey was not immediately canceled after ammunition, planes, and napalm bombs, supplied by the United States, were used against Cypriot civilians. I received the most noncommital and unsatisfactory answer conceivable.

Mr. President, it should be very clear that the laws passed by the Congress do not apply merely to the citizens of Mississippi, Minnesota, Illinois, or the citizens of New York. They also apply to the agencies of the U.S. Government which are bound to obey the laws and Constitution of the United States just as much as individual citizens. It is most disturbing that the State Department and Department of Defense appear to ignore the mandate of Congress in providing funds for American foreign assistance programs.

Mr. President, it is a shocking fact that American equipment is being used in Cyprus, and was very clearly used by the Turkish Government, in military efforts that have nothing whatsoever to do with the NATO purposes for which this equipment was supplied. In fact, this use is deliberately designed to weaken the bonds of NATO.

Mr. President, as one who has supported the basic objectives of foreign aid and who recognizes the need for economic development around the world, I am deeply concerned over the failure of the U.S. Government to enforce the language of the Foreign Assistance Act.

Mr. President, I ask unanimous consent to include, following my remarks in the RECORD, the correspondence I have had with the Secretary of State on this critical issue.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 10, 1964.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: * * * I am deeply concerned over the use of American-supplied military plans by the Turkish Government for the purpose of strafing and killing Cypriot citizens. Throughout this correspondence, you indicated that in the judgment of the Department of State no violation of sections 505 and 506 of the Foreign Assistance Act of 1961, as amended, had taken place.

I would appreciate your views as to whether the recent ruthless attacks by the Turkish Government on Cypriot men, women, and children are not a clear violation of the provisions of the Foreign Assistance Act, sufficient to justify the suspension of U.S. military assistance to Turkey. In my view it is intolerable that equipment supplied by the Government of the United States and paid for by the taxpayers of the United States should be used to attack Cypriot civilians. It is beyond doubt a clear violation of the purposes for which the military assistance program was established.

Very sincerely yours,

KENNETH B. KEATING.